



UNITED STATES PATENT AND TRADEMARK OFFICE

Doh
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,170	05/03/2001	John M. Belcea	1710.23	2556
7590	06/02/2005			EXAMINER SAM, PHIRIN
Joseph J Buczynski Esq Gardner Carton & Douglas LLP 1301 K Street NW Suite 900 East Tower Washington, DC 20005			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/847,170	BELCEA, JOHN M.	
	Examiner Phirin Sam	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 51-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 51 and 52 is/are rejected.

7) Claim(s) 53 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 May 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

A handwritten signature in black ink that appears to read "Diane".

Attachment(s)

1) Notice of References Cited (PTO-892) **PRIMARY EXA**
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 040703.

PHIRIN SAM
PRIMARY EXAMINER

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 51 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,304,556 (hereinafter referred as “Haas”).

Haas discloses the invention (**claim 51**) as claimed including in an ad-hoc, peer-to-peer radio system (see Figs. 1, 3, and 4, col. 6, lines 46-55, col. 8, lines 46-48) comprising a series of radio terminals (see Figs. 1, 3, and 4, elements A-H), each said radio terminal comprising transceiver means for transmitting and receiving signals from other like terminals of said series of terminals (see Fig. 1A, element 15), computer means (see Fig. 1A, element 16) and memory means for storing program software means therein (see Fig. 1A, element 17), said radio system based on time dependent messaging having multiple parallel data channels and a control channel, the improvement comprising:

- (a) the memory means of each said radio terminal storing registration information about any other said radio terminal serving as a node therefore through which it has been registered for forming a call-connection routing path (see Fig. 1A, col. 6, lines 62-67);

(b) the memory means of each radio-terminal also storing registration information about any other radio terminal for which it serves as a node therefore through which said any other radio terminal has been registered (see Fig. 1A, element 17, col. 6, lines 62-67).

Regarding claim 52, Haas discloses the software means comprises updating means for updating the memory means (see Fig. 1A, elements 16 and 17, col. 7, lines 36-39, col. 8, lines 5-19); the updating means changing said registration information in order to reflect any changes in the nodes (see Fig. 1A, elements 16 and 17, col. 7, lines 36-39, and col. 8, lines 5-19).

Allowable Subject Matter

3. Claims 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: May 26, 2005


PHIRIN SAM
PRIMARY EXAMINER